

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.** See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

**FILED BY CLERK**  
**JULY 23 2009**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	2 CA-CR 2008-0417
Appellee,	)	DEPARTMENT B
	)	
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
LEOBARDO ARGIMIRO GARCIA,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20072404

Honorable Frank Dawley, Judge Pro Tempore

AFFIRMED

Thomas Jacobs

Tucson  
Attorney for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 A jury found appellant Leobardo Garcia guilty of three counts of selling cocaine base, a narcotic drug. He admitted he had committed these offenses while on community supervision for a previous offense and had three historical prior felony

convictions. The trial court imposed presumptive prison terms of 15.75 years on each count, enhanced on the basis of Garcia’s prior felony convictions, and ordered that the sentences be served concurrently.

¶2 Appellate counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), “setting forth a detailed factual and procedural history of the case with citations to the record, [so that] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Stating that he has reviewed the record thoroughly without finding any arguable issue to raise on appeal, counsel asks us to search the record for fundamental error. Garcia has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Garcia had sold crack cocaine on three occasions to police officers—once to Officer Schur and twice to Officer Hearn. Both officers testified at trial and identified Garcia in court, as did a third “training officer” who had accompanied Hearn when she made both of her purchases from Garcia.

¶4 The record supports counsel’s recitation of the facts and contains substantial evidence to support the jury’s verdicts on each of the three counts of conviction. *See A.R.S.*

§§ 13-3401(5), (20)(z); 13-3408(A)(7), (B)(7).<sup>1</sup> The sentences imposed were the correct presumptive, enhanced terms for Garcia's repetitive, class two felonies at the time he committed the offenses in April 2007. *See* 2005 Ariz. Sess. Laws, ch. 188, § 1, former A.R.S. § 13-604(D). In reviewing the record pursuant to our obligation under *Anders*, we have found no reversible error and no issue warranting further appellate review. *See Anders*, 386 U.S. at 744. We therefore affirm Garcia's convictions and the sentences imposed.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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GARYE L. VÁSQUEZ, Judge

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<sup>1</sup>The relevant provisions of § 13-3408 have not changed since Garcia committed the offenses. *See* 2005 Ariz. Sess. Laws, ch. 187, § 20.